

MINUTES
TOWN COUNCIL OF THE TOWN OF INDIAN RIVER SHORES
REGULAR COUNCIL MEETING
Thursday, March 23, 2006
3:30 p.m.

PRESENT: David J. Becker, Vice Mayor
Frances F. Atchison, Councilmember
E. William Kenyon, Councilmember
William H. Ahrens, Councilmember

STAFF PRESENT: Robert J. Bradshaw, Town Manager
Laura Aldrich, Town Clerk
Bill Schauman, Chief of Public Safety
Nick Schauman, Public Safety
Richard Jefferson, Building Official
Chester Clem, Town Attorney

ABSENT: Thomas W. Cadden, Mayor (excused)

1. **Call to Order.** Vice Mayor Becker called the meeting to order at 3:30 p.m.
 - a. Pledge of Allegiance
 - b. Invocation – Councilman Kenyon
 - c. Roll Call
2. **2nd Public Hearing for Ordinance 477, Comprehensive Plan Amendment**
 - a. Open Public Hearing

Dr. Becker opened the Public Hearing at 3:32. Mr. Clem stated that it was an ongoing adoption of the comprehensive plan amendment, with several ordinances having already been adopted relating to the annexation and development of a certain property. The first reading was several months ago, and the package for the amendment was sent to the Department of Community Affairs for comment. When DCA returned the package with no comments, we misunderstood the next step and believed the process to have been completed.
 - b. Discussion of Ordinance 477, Comprehensive Plan Amendment

Mr. Clem read the title of the ordinance, and Mr. Kenyon asked if there have been any comments from the public received. Mr. Clem stated that there have been no objections from the public as the enclave that is being annexed for proposed development was very favorably received. The second reading of the ordinance will be later in this meeting, Mr. Clem continued, and the final package will be returned to Tallahassee shortly after its passing. As the package has already been reviewed by DCA, this will be a very short process with no foreseeable problems.
 - c. Receipt of Public Comment

Mr. Dennis Longwell, 600 Indian Harbor Road, Johns Island, said that he had seen the notice in the paper, and asked what type of development was planned. Mr. Clem replied that it was a residential mixed-use development that has been

NOTE: *The Town of Indian River Shores does not keep verbatim minutes as a matter of record. If a person decides to appeal any decision made by the Town of Indian River Shores Town Council with respect to any matter considered at this meeting, he or she will need to make a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. See Florida Statute 286-0105.*

before the Planning, Zoning and Variance Board, having recently been annexed into the Town. Dr. Becker asked Mr. Jefferson to briefly review the Providence project, to which he replied that a total of 12 town homes, 31 single-family residences, two guardhouses, and a lake in the center is planned, with over 50% of the land to be landscaped. Mr. Clem pointed out that a large part of this development was already in the Town, and this enclave completes the Western portion of the property. Mr. Longwell thanked them for the information.

- d. Close Public Hearing
Vice Mayor Becker closed the Public Hearing at 3:40.

3. **Consent Agenda**

- a. Acceptance of Building & Grounds Committee Minutes of February 8, 2006
- b. Acceptance of Planning, Zoning & Variance Board Minutes of February 13, 2006
- c. Approval of Regular Town Council Meeting Minutes of February 23, 2006
- d. Approval of February 27 Tetra Tech HAI Invoice for Palm Island & NPDES support
- e. Approval of February 28 Pension Attorney Ronald Cohen Invoice, Oct. 05 – Feb. 06
- f. Approval of March 13 Labor Attorney David Richeson Invoice, February 06 Support

A **motion to approve the consent agenda as presented** was made by Councilmember Atchison and seconded by Councilman Ahrens. Councilman Kenyon asked Mr. Bradshaw for a cemetery update, and Mr. Bradshaw said that the Building and Grounds Committee has been focusing on this for several months, and reminded him that the Council approved \$20,000 in funds to be designated for refurbishments to this property. Mr. Veron, the Committee Chairman, plans on addressing the Council at our meeting in April regarding the Committee's progress. Dr. Becker suggested that everyone personally visit the cemetery to see how it has been improved recently. There being no further comments, the Vice Mayor called for a voice vote, which passed with approval by the four elected officials present.

4. **Mayor's Items**

- a. Hours of Construction
This item was deferred to the next meeting for Mayor Cadden to address.

5. **Planning, Zoning and Variance Board**

Mr. Mitchell said that there were no items to discuss.

6. **Town Attorney**

- a. Final Reading of Ordinance 477, Comprehensive Plan Amendment
Mr. Clem stated this was the second reading of the ordinance by title only, and read it as written below:

Ordinance No. 477

**AN ORDINANCE TO AMEND THE COMPREHENSIVE PLAN
FUTURE LAND USE MAP FOR THE REAL PROPERTY
IDENTIFIED BELOW TO THE TOWN OF INDIAN RIVER
SHORES DESIGNATION OF LOW DENSITY RESIDENTIAL**

(LDR); SUBJECT REAL PROPERTY IS LOCATED WITHIN INDIAN RIVER COUNTY AND SITUATED SOUTH OF INDIAN TRAILS SUBDIVISION, NORTH OF PALM ISLAND PLANTATION AND APPROXIMATELY 700 FEET WEST OF SR A1A AND SURROUNDED TO THE NORTH, EAST, AND SOUTH BY LAND WITHIN THE INCORPORATED LIMITS OF THE TOWN OF INDIAN RIVER SHORES, AS MORE PARTICULARLY DESCRIBED HEREIN, UPON ANNEXATION INTO THE TOWN OF INDIAN RIVER SHORES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

A motion made by Councilman Kenyon was seconded by Councilman Ahrens to approve the second reading of Ordinance 477. There was no discussion, and the ordinance was passed by favorable roll call vote cast by those present.

b. Franchise Agreement Renewal with Comcast

Mr. Clem said that this is the current provider for cable service in Town, and is the only “hard-line” provider of this service. This is for renewal, and at the next meeting we will have an ordinance for a first reading. There also has to be one public hearing prior to adoption of the non-exclusive franchise agreement, which has no noticeable changes. Mr. Bradshaw said that the public hearing would be prior to the final reading. Mr. Kenyon asked the length of term of the agreement, and Mr. Bradshaw stated that Comcast has proposed to remain at the 15-year length. Dr. Becker asked why the agreement is necessary, and Mr. Clem said that there is a great deal of expense involved in laying the lines, and in order to use our right-of-way, this contract specifies obligations and protects both parties. It is similar to the agreements in place by Sebastian and Vero Beach. Mr. Bradshaw added that we have not collected a franchise fee prior to this contract, and now are asking for 5%. Mr. Kenyon asked if there are provisions for other providers of this service, and Mr. Bradshaw said that if any others came to our Town, we could consider their competitive service. Councilman Ahrens asked if we had any control over their programming, and Mr. Bradshaw said that we could lobby them for certain programs, but the FCC has final say. Mr. Ahrens said that he had written a letter to Ms. Kinsley about canceling WPBT from West Palm Beach, and she replied that in the future it may be available on Channel 101. Mr. Bradshaw said that in the past, the Council had not taken a formal position on the programming, but this could be a consideration for the future. Mr. Clem added that the FCC districting also determines which PBS station would be offered in each area. Councilmember Atchison asked when it would be appropriate to discuss agreement term limits, and Mr. Bradshaw said at the next meeting. She said that 15 years seemed too long, and Mr. Bradshaw said that there are provisions for canceling with appropriate notice at any time since this is a non-exclusive contract. Mr. Kenyon asked if we could do anything about the rates being charged, and Mr. Bradshaw replied that the FCC (Federal) and PSC (State) govern those.

7. **Town Manager**

- a. Sale of Surplus Public Safety Department Vehicles, 1997 & 2000 Crown Victoria's
Mr. Bradshaw asked for permission to issue solicitation for sealed bids for these two vehicles, and **a motion by Councilman Kenyon supported by Councilmember Atchison to allow the Town to receive sealed bids for the sale of two surplus Public Safety vehicles** was approved by all Council present.
- b. Bid Results for Public Safety Department Doors & Window Replacement
This is recapped on a summary sheet in the Council packet, Mr. Bradshaw stated, adding that the ad was published on February 16th and the bids were opened on March 2nd. Four firms provided bids, and after comparing the windows and secondary doors and the large garage doors separately, Central Window had the lowest bid (\$37,984) for the 33 windows and small entry doors. Abco Doors (\$7,380) had the best bid for four large overhead doors, and Mr. Bradshaw asked for the Council to approve one purchase of \$45,863 for the building fixtures. **Councilman Kenyon, supported by Councilmember Atchison, motioned to approve \$45,863 for replacement doors and windows for the Public Safety Building as presented.** There was no discussion, and the motion was passed by those present.

7. **Call to Council**

- a. Committee Reports.
Council of Public Officials (COPO). Councilman Kenyon said that they did not meet because of the elections.
He added that he had met one of the candidates for County Commissioner, and spoke about having the candidates who are running for office for our District to come and speak to the Town officials and residents. It was discussed and determined to be within the Sunshine Laws to do so. Voter turnout was also discussed among the elected officials, Bob Schoen and Mr. Clem. Jack Mitchell added that in the past, Indian River Shores residents have been able to swing the vote for a particular candidate.
- b. Metropolitan Planning Organization. Dr. Becker said that at the MPO meeting, the discussion of interest to the Town was the 6-laning of Indian River Boulevard as it relates to the intersection at 37th Street and Royal Palm Point. The MPO authorized funds to explore environmental feasibility and attainability of right-of-ways for an extension of Aviation Boulevard from U.S. 1 to Indian River Boulevard, which should be helpful in diverting some of the southbound traffic. The second phase of this exploration would be for suggested routes for this extension. An engineer who had made a presentation to the MPO stated that the most important thing is connectivity, with westbound traffic from the Barber Bridge being able to be connected to U.S. 1 by the Aviation Boulevard Extension, and to Route 60 other than by using 26th Street.
- c. Beach and Shores Preservation. Of immediate interest to the Town is the dune restoration at John's Island, Councilman Ahrens reported. Forty thousand tons of upland sand is being distributed over 2 ½ miles to create a 2:1 ratio berm. Ninety percent of the sand hauling is complete, and the distribution of the sand and berm

construction should be take at least three weeks. Vegetation such as grasses and sea oats will then be planted. The Ambersand Beach, which has been restored twice, has received recognition by the Association of Beach Managers as the best restored beach in the State of Florida. The Council discussed general beach sand loss and replenishment.

- d. Parks and Recreation Committee. Councilman Ahrens reported that the major event of interest was that the North County Park has been completed, and the ribbon cutting and ball field grand opening is April 1st at 11 a.m.
 - e. Treasure Coast Regional Planning Council. No report.
 - f. Land Acquisition Advisory Committee. Councilmember Atchison said that they will meet next week.
 - g. Treasure Coast Council of Local Governments. No report.
8. **Call to Audience.** No response. Councilman Kenyon asked Chief Schauman how the A-1-A patrol for drunk driving effort went, and was told that there were two arrests made, neither of whom were residents of our Town.
9. **Adjournment**
There being no further business to discuss, Vice Mayor Becker adjourned the meeting at 4:07 p.m.

/s/

Laura Aldrich, Town Clerk

(Approved by the Town Council at the April 27, 2006 meeting)